

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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U.S. DISTRICT COURT
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TEXAS--EASTERN
BY *[Signature]*

(1) SANDI GRAY,
(2) LAURA SHOAF STRICKLAND
(3) KATHY HOLLIS COOPER,
(4) DANIEL REYNOLDS AND
(5) ERIC DECETIS

Plaintiffs,

v.

(1) eUNIVERSE, INC., (2) FUNNYTAF, INC.,
(3) ABOUT, INC., (4) FKLA, INC.,
(5) NORTH PLAINS, LLC, (6) HYCOO, INC.,
(7) NELSON RINDA, (8) NUOC TUONG,
(9) LILLY OF THE VALLEY, (10) MARLIN
PARBS, (11) KATHLEEN WARD,
(12) ASHLEY STOY, (13) MICHAEL
DANKE, (14) INSTANT WEBSPAWNER,
LTD, (15) EMUSING HUMOR NETWORK,
(16) MAGIC THOUGHTS,
THOUGHTS, (17) MICHAEL MARCIL,
(18) DESIGN CONCEPTS, CO.,
(19) NORTH RIDGE SOFTWARE,
(20) DAILY BLESSINGS.COM LLC,
(21) RICK HILL, (22) A PLUS
ENTERPRISES, (23) RICHARDSON
MARKETING GROUP,
(24) LAWRENCE FINE, (25) JOHN
NELSON, (26) ADAM MAYSONET,
(27) PODDYS, (28) MICHAEL KNOX,
(29) FUN BLAZE, (30) JASON QUAM,
(31) BRUCE MASTON, (32) JONNIE
TRUONG, (33) THE INTERNATIONAL
ASSOCIATION, (34) PAUL THOMAS,
(35) KEVIN NGUYEN, (36) PHONG BUI,
(37) FUNNY JUNK, INC., AND
(38) VIRAL MARKETING

Defendants.

CIVIL ACTION NO. 2-03C v-278
[Signature]

PLAINTIFFS' ORIGINAL COMPLAINT

COME NOW, SANDI GRAY, LAURA SHOAF STRICKLAND, KATHY HOLLIS COOPER, DANIEL REYNOLDS and ERIC DECETIS, Plaintiffs, complaining of eUNIVERSE, INC., FUNNYTAF, INC., ABOUT, INC., FKLA, INC., NORTH PLAINS, LLC, HYCOO, INC., NELSON RINDA, NUOC TUONG, LILLY OF THE VALLEY, MARLIN PARBS, KATHLEEN WARD, ASHLEY STOY, MICHAEL DANKE, INSTANT WEBSPAWNER, LTD, EMUSING HUMOR NETWORK, MAGIC THOUGHTS, MICHAEL MARCIL, DESIGN CONCEPTS, CO., NORTH RIDGE SOFTWARE, DAILY BLESSINGS.COM, LLC, RICK HILL, A PLUS ENTERPRISES, RICHARDSON MARKETING GROUP, LAWRENCE FINE, JOHN NELSON, ADAM MAYSONET, PODDYS, MICHAEL KNOX, FUN BLAZE, JASON QUAM, BRUCE MASTON, JONNIE TRUONG, THE INTERNATIONAL ASSOCIATION, PAUL THOMAS, KEVIN NGUYEN, PHONG BUI, FUNNY JUNK, INC. AND VIRAL MARKETING, INC., Defendants, and for cause of action respectfully show the following.

**I.
JURISDICTION AND VENUE**

1. Jurisdiction is proper because the action arises under the Copyright Act, Title 17 of the United States Code. 17 U.S.C. § 101 et seq. This Court is vested with jurisdiction pursuant to Section 1338 of Title 28 of the United States Code. 28 U.S.C. § 1338. This Court's inherent power to hear related causes of action arising under state law. 28 U.S.C. § 1367(a).

2. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1391 as one or more of Defendants currently conducts business within the State of Texas and within this District, a substantial part of the events or omissions giving rise to the current cause of action occurred in the Eastern District of Texas, and Defendant corporations are amenable to personal jurisdiction in the Eastern District of Texas at this time. 28 U.S.C. § 1391.

II. PARTIES

3. Plaintiff Sandi Gray (“Gray”) is an individual residing in Harris County, Texas.
4. Plaintiff Laura Shoaf Strickland former known as Laura Shoaf is an individual residing in White Oak, Bladen County, North Carolina.
5. Plaintiff Kathy Hollis Cooper is an individual residing in Ashland, Jackson County, Oregon.
6. Plaintiff Daniel Reynolds is an individual residing in Oswego, Oswego County, New York.
7. Plaintiff Eric Decetis is an individual residing in Sacramento, Sacramento County, California.
8. Defendant eUNIVERSE, INC. (“eUniverse”) also doing business as the following websites:
 - www.debsfunpages.com
 - www.justsaywow.com
 - www.cutestuf.com
 - www.netlaughter.com
 - www.funtown.com
 - www.bigfatbaby.com
 - www.funforwards.com
 - www.funstun.com
 - www.blessthe day.com
 - www.pigkiss.com
 - www.fun-town.com
 - www.flowgo.com
 - www.send4fun.com
 - www.madblast.com
 - www.euniverselive.com
 - www.whoohoo.net
 - www.funone.com
 - www.funpageland.com
 - www.smilepop.com
 - www.funbug.com

is a corporation duly formed and existing under the laws of the state of Delaware, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

9. Defendant FUNNYTAF, INC. ("Funnytaf") also doing business as the following websites:

- www.makesmesmile.com
- www.joypages.com
- www.fungoround.com
- www.newfunnies.com
- www.sendapet.com
- <http://quick2send.com>
- www.cardfountain.com

is a corporation duly formed and existing under the laws of the state of Florida, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, Michael Caldwell, 1000 N.E. 8th Avenue, Gainesville, FL 32601-4577.

10. Defendant ABOUT, INC. also doing business as the following website:

- www.50megs.com

is a corporation duly formed and existing under the laws of the state of Utah, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to

forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, Timothy J. Jenkins, 51 W. Center, Suite 118, Orem, Utah 84057.

11. Defendant FCLA, Inc. also doing business as the following website:

- www.amusingpics.com

is a corporation duly formed and existing under the laws of the state of Florida, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, Frank P. Apuzzo, Jr., 359 Dempsey Way, Orlando, Florida 32835.

12. Defendant NORTH PLAINS, LLC also doing business as the following website:

- www.quickinspirations.com

is a corporation duly formed and existing under the laws of the state of California, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, C T Corporation System, 818 W. 7th Street, Los Angeles, California 90017.

13. Defendant HYCOO, INC. also doing business as the following website:

- www.mailmethat.com

is a corporation duly formed and existing under the laws of the state of Florida, doing business in the Eastern District of Texas, having failed to appoint an agent for service of process in the State of Texas, may be served with process by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its registered agent for service, Clinton M. Caldwell, 6401 Westgate Dr., Orlando, Florida 32835.

14. Defendant NELSON RINDA also doing business as the following website:

- www.wrensworld.com

is an individual residing in Washington and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 301 Hill Road, Aberdeen, Washington 98520.

15. Defendant NUOC TUONG also doing business as the following website:

- www.allfunbear.com

is an individual residing in New York and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at CPU Box 273504, Rochester, New York 14627.

16. Defendant LILLY OF THE VALLEY also doing business as the following website:

- www.lillyofthevalleyva.com

is a company located in Virginia and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 2062 Matthew Talbot Road, Forest, Virginia 24551.

17. Defendant MARLIN PARBS also doing business as the following website:

- www.marpers.com

is an individual residing in Washington and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of

Texas with instructions to forward the complaint and summons certified mail, return receipt requested to him at his address at 317 South 325th Lane, Federal Way, Washington 98023-5741.

18. Defendant KATHLEEN WARD also doing business as the following website:

- www.thefairkingdom.com

is an individual residing in Illinois and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to her at her address at 46 Sunny Hill Dr., Orion, IL 61273.

19. Defendant ASHLEY STOY also doing business as the following website:

- www.mommasfamily.com

is an individual residing in Kansas and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to her at her address 2116 B Street, Garden City, Kansas 67486.

20. Defendant MICHAEL DANKE also doing business as the following website:

- <http://1sound.com>

is an individual residing in California and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 202 Portland St., Unit 4, Huntington Beach, California 92648.

21. Defendant INSTANT WEBSPAWNER, LTD. also doing business as the following website:

- www.webspawner.com

is a company located in Washington and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at P.O. Box 61234, Seattle, Washington 98121.

22. Defendant EMUSING HUMOR NETWORK also doing business as the following websites:

- www.smiles2send.com
- www.topfunpages.com
- www.101funpages.com

is a company located in New Jersey and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 592 Westside Ave., Jersey City, New Jersey 07304.

23. Defendant MAGIC THOUGHTS also doing business as the following website:

- www.magicthoughts.com

is a company located in Florida and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 80 West Fray St., Englewood, Florida 34223.

24. Defendant MICHAEL MARCIL also doing business as the following website:

- www.humorvillage.com

is an individual residing in California and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of

Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 570 Sierra St., Moss Beach, California 94038.

25. Defendant DESIGN CONCEPTS CO. also doing business as the following websites:

- www.goofyfun.com
- www.freefunpages.com
- www.funnybunch.com

is a company located in Washington and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at P.O. Box 11654, Tacoma, Washington 98433.

26. Defendant NORTH RIDGE SOFTWARE also doing business as the following website:

- www.unsolvedmysteries.com

is a company located in Washington and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 11306-169th Court NE, Redmond, Washington 98052.

27. Defendant DAILY BLESSINGS.COM LLC also doing business as the following website:

- www.daily-blessings.com

is a company located in Mississippi and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of

Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 31 Bent Creek, Hattiesburg, Mississippi 39402.

28. Defendant RICK HILL also doing business as the following website:

- www.lotsahumor.com

is an individual residing in Missouri and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 3727 NE 43rd Terrace, Kansas City, Missouri 64117.

29. Defendant A PLUS ENTERPRISES also doing business as the following website:

- www.dudewheresmycard.com

is a company located in Missouri and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at PC Box 15293, Beverly Hills, California 90209-1293.

30. Defendant RICHARDSON MARKETING GROUP also doing business as the following websites:

- www.wackyzoo.com
- www.funnypicoftheday.com

is a company located in Missouri and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 2001 Holly Ave., Columbia, Missouri 65202.

31. Defendant LAWRENCE FINE also doing business as the following website:

- www.jokesinthemail.com

is an individual residing in South Carolina and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 1300 Park West Blvd., #204, Mt. Pleasant, South Carolina 29466.

32. Defendant JOHN NELSON also doing business as the following website:

- <http://keystonecop.net>

is an individual residing in California and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 913 Singingwood Road, Sacramento, California 95864.

33. Defendant ADAM MAYSONET also doing business as the following website:

- www.insanepictures.com

is an individual residing in Florida and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address 4841 NW 19th St., Coconut Creek, Florida 33063.

34. Defendant PODDYS also doing business as the following website:

- www.poddys.com

is a company located in Indiana and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas

with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 2621 Miami St., South Bend, Indiana 46614-1345.

35. Defendant MICHAEL KNOX also doing business as the following website:

- www.sugarcats.com

is an individual residing in Texas and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at KittyKat Mall, 6008 Fir Court, McKinney, Texas 75070.

36. Defendant FUN BLAZE also doing business as the following website:

- www.funblaze.com

is a company located in Texas and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at P.O. Box 222, Lake Dallas, Texas 75065-0222.

37. Defendant JASON QUAM also doing business as the following website:

- www.weaselcircus.com

is an individual residing in Idaho and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 2334 W. Jayton Dr., Meridian, Idaho 83642.

38. Defendant BRUCE MASTON also doing business as the following website:

- <http://speeds-cartoons.com>

is an individual residing in Texas and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 6624 Ridgetop Dr., Watauga, Texas 76148.

39. Defendant JONNIE TRUONG also doing business as the following websites:

- www.cartoons-cartoon.com
- www.spicyjoke.com
- www.joke-pictures.com
- www.spicypictures.com
- www.comic-comics.com
- www.funny-celebrity-pics.com
- www.funny-photo-photos.com
- www.joke-pictures.com
- www.funny-animal.com

is an individual residing in California and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 1901 E. Amar Rd., Apt. 144, West Covina, California 91972.

40. Defendant THE INTERNATIONAL ASSOCIATION also doing business as the following website:

- www.drunkbastard.com

is a company located in Arizona and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 8656 East Vista Drive, Scottsdale, Arizona 85250.

41. Defendant PAUL THOMAS also doing business as the following website:

- www.jokesunlimited.com

is an individual residing in Indiana and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 2158-45th St., #329, Highland, Indiana 46322.

42. Defendant KEVIN NGUYEN also doing business as the following website:

- www.amazinghumor.com

is an individual residing in California and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at 2274 Cogswell Rd., El Monte, California 91732.

43. Defendant PHONG BUI also doing business as the following websites:

- www.happyfeelings.com
- www.kim-arts.com

is an individual residing in New York and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to him at his address at CPU Box 273504, Rochester, New York 14627.

44. Defendant FUNNY JUNK, INC. also doing business as the following website:

- www.funnyjunk.com

is a company located in Louisiana and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to the defendant at the defendant's address at 552 Highland Rd., Apt. 23, Baton Rouge, Louisiana 70726.

45. Defendant VIRAL MARKETING, INC. also doing business as the following websites:

- www.sacredpages.com
- www.feelgoodpages.com

is a corporation duly formed and existing under the laws of the state of New York and doing business in the Eastern District of Texas, having failed to appoint an agent for service of process may be served by serving the Secretary of State of Texas with instructions to forward the complaint and summons by certified mail, return receipt requested to its President or any of its Vice President, c/o Davis & Gilbert, LLP, 1740 Broadway, New York, New York 10019.

46. Whenever in this complaint it is alleged that a certain Defendant did or failed to do any act or thing, it is meant that said Defendant performed, failed to perform, or was responsible for such act or thing or that such act was performed by the partners, officers, agents, representatives, employees, in the normal and routine course and scope of their employment, authority, or agency for said Defendant and were authorized to and did in fact act on behalf of said Defendant, and that such acts were pursuant to a common scheme, design and conspiracy by Defendant and others acting on their behalf with the full knowledge, authority and ratification of said Defendant to engage in the facts and perpetuate the omissions hereinafter alleged.

III. STATEMENT OF FACTS

47. Plaintiff Sandi Gray is an artist and writer who creates original images and writes original verse. Gray has composed numerous poems and created numerous drawings. She has filed or obtained copyright registrations for her work[s], the titles of some of which are included on Exhibit A which is attached hereto and made a part of this complaint as if fully set forth herein.

48. Plaintiff Laura Shoaf is an artist and writer who creates original images and writes original verse. Shoaf has composed numerous poems and created numerous drawings. Shoaf's

work[s] are protected by copyright registrations that have been filed or obtained. The titles of some of the work[s] are included on Exhibit B which is attached hereto and made a part of this complaint as if fully set forth herein.

49. Plaintiff Kathy Hollis Cooper is a photographer. Cooper's work[s] are protected by copyright registrations that have been filed or obtained. The titles of some of the work[s] are included on Exhibit C which is attached hereto and made a part of this complaint as if fully set forth herein.

50. Plaintiff Daniel Reynolds is a cartoonist. Reynolds' work[s] are protected by copyright registrations that have been filed or obtained. The titles of some of the work[s] are included on Exhibit D which is attached hereto and made a part of this complaint as if fully set forth herein.

51. Plaintiff Eric Decetis is a cartoonist. Decetises' work[s] are protected by copyright registrations that have been filed or obtained. The titles of some of the work[s] are included on Exhibit E which is attached hereto and made a part of this complaint as if fully set forth herein.

52. Defendants are engaged in developing and operating websites providing entertainment-oriented content and certain proprietary products and services. These websites are accessible in this District and are expressly designed to market to internet users in this District, goods and services of each website and its advertisers.

53. eUniverse is the successor to eUniverse, Inc. as the result of a merger December 30, 2002 wherein eUniverse assumed all assets and liabilities of its predecessor by the same name, formerly a Nevada corporation.

54. In the course of their proprietary activities, Defendants infringed on the copyrights and property rights of Plaintiffs.

55. As to each cause of action Plaintiffs seek to recover the damages and relief available for each cause of action as set forth in the Prayer.

**IV.
FIRST CAUSE OF ACTION**

56. The allegations set forth above are incorporated here by reference as if fully set forth verbatim.

57. On information and belief, after the date of copyright registration, and continuing to the present, Defendants have infringed and continue to infringe Plaintiffs' rights in the copyrights by reproducing or causing, contributing to, and participating in, the unauthorized reproduction of the copyrighted materials, and by causing, contributing to, and participating in, the distribution of such unauthorized reproductions of the copyrighted materials. Defendants' infringing actions were committed willfully and without regard to Plaintiffs' rights.

58. Defendants' infringement of Plaintiffs' rights in the copyrights continue unabated to this day.

59. By reason of the past and continuing infringements of Plaintiffs' rights, Plaintiffs have sustained, and will continue to sustain substantial injury, loss, and damage to their ownership rights in the copyright of their materials and Defendants have unlawfully and wrongfully derived and will continue to derive income and profits from these infringing acts. As a consequence of Defendants' actions, Plaintiffs have sustained actual damages, including expenses and lost profits, in an amount in excess of \$1,000,000.00. In the alternative, Plaintiffs reserve the right to elect to recover statutory damages as provided by 27 U.S.C. Section 504(c), as well as increases provided in law for such damages as a result of the Defendants' willful infringements.

**V.
SECOND CAUSE OF ACTION**

60. The allegations set forth above are incorporated here by reference as if fully set forth verbatim.

61. Defendants' unauthorized exploitation of the materials which were created, owned and/or controlled by Plaintiffs have resulted in the Defendants being unjustly enriched.

62. Defendants have unlawfully and wrongfully derived and will continue to derive income, profits and unjust enrichment from the unauthorized acts. As a consequence of Defendants' actions, Plaintiffs have sustained actual damages, including expenses and profits, in an amount in excess of \$25,000 per incident.

V.

THIRD CAUSE OF ACTION

63. The allegations set forth above are incorporated here by reference as if fully set forth verbatim.

64. Defendants' unauthorized exploitation of the materials which were created, owned and/or controlled by Plaintiffs constitute a misappropriation of Plaintiffs' names, images and/or likenesses. These property rights were taken without permission and used to benefit Defendants'.

65. Defendants have unlawfully and wrongfully derived and will continue to derive income, profits and benefits from the misappropriation of Plaintiffs' names, images and/or likenesses. As a consequence of Defendants' actions, Plaintiffs have sustained actual damages, including expenses and profits, in an amount in excess of \$25,000 per misappropriation.

**VI.
PRAYER**


WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer this complaint, and that upon final hearing thereof,

a. Plaintiffs be awarded the relief and damages set forth above;

- b. Defendants be required to pay Plaintiffs such damages as Plaintiffs have sustained in consequence of Defendants' infringement of Plaintiffs' rights, and to account for all gains, profits, and advantages derived by Defendants through their respective infringements of Plaintiffs' interest in the Plaintiffs' copyrighted material, together with appropriate interest on such damages, as the Court shall deem proper within the provisions of the copyright statute or in the alternative, statutory damages if Plaintiffs elect to recover same in lieu of actual damages and profits;
- c. Defendants be required to pay to Plaintiffs the costs and disbursements of this action together with prejudgment and postjudgment interest and reasonable attorneys' fees to be allowed Plaintiffs by the Court;
- d. Further Plaintiffs request the Court to order that all persons recognize the rights of Plaintiffs in and to the material as designated on the attached Exhibit A, B & C, and that Defendants be directed to affirmatively prevent unauthorized use and notify all third parties of Plaintiffs' rights and interest in this material and the products in or on which such composition is embodied;
- e. Plaintiffs be awarded all damages and remedies to which they are entitled as a result of the misappropriation of Plaintiffs' names, images and/or likenesses;
- f. Plaintiffs pray for such other and further relief as the Court may deem just and proper; and
- g. Plaintiffs demand a trial by jury.

Respectfully submitted,

By:


David W. Showalter
TBA# 18306500

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Bellaire, Texas 77401-3901
(713) 660-0491
(713) 660-0493 (FAX)

Carl Roth
State Bar No. 17312000
Michael C. Smith
State Bar No. 18650410
THE ROTH LAW FIRM, P.C.
P.O. Box 876
Marshall, Texas 75670
Telephone: (903) 935-1665
Facsimile: (903) 935-1797

ATTORNEYS FOR PLAINTIFFS
SANDI GRAY, LAURA SHOAF
STRICKLAND, KATHY HOLLIS
COOPER, DANIEL REYNOLDS AND
ERIC DECETIS

EXHIBIT A

A	A	B	C	D	E
1			"EXHIBIT A" -	INFRINGING WEBSITES: WORKS OF SANDI GRAY	
2					
3	Title of Work	License No.	Registrar	Infringing Website	Registrant
4					
5	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.debsfunpages.com/morningangel.htm	euniverse, inc.
6	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.justsaywow.com/newfun4/morningangel.cfm	euniverse, inc.
7	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.cutesuf.com/friends/morningangel.html	euniverse, inc.
8	Morning Angel	TXu-1-059-414	Bulk Register (SM)	www.makesmesmile.com/inspirational/mornina/index.php	Funny Taf, Inc.
9	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.netlaughter.com/deb/angel/a.htm	euniverse, inc.
10	Morning Angel	TXu-1-059-414	Bulk Register (SM)	www.jovpages.com/inspiration/ornina/index.php	Funny Taf, Inc.
11	Morning Angel	TXu-1-059-414	Bulk Register (SM)	www.funaround.com/inspirational/themorningangel/index.php	Funny Taf, Inc.
12	Morning Angel	TXu-1-059-414	Bulk Register (SM)	www.newfunnies.com/inspiring/morninga/index.php	Funny Taf, Inc.
13	Morning Angel	TXu-1-059-414	Bulk Register (SM)	www.sendapet.net/indexing/inspirational-6.php?page=inspirational-6.php	Funny Taf, Inc.
14	Morning Angel	TXu-1-059-414	Bulk Register (SM)	http://quick2send.com/indexing/inspirational-10.php?page+inspirational-10.php	Funny Taf, Inc.
15	Morning Angel	TXu-1-059-414	enom, Inc.	www.wrensworld.com/morningangel.htm	Nelson Rinda
16	Morning Angel	TXu-1-059-414	Tucows, Inc.	www.allfunbear.com/pos/angel of the morning.htm	Nuoc Tuong
17	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.sacredpages.com/morningangel/	Viral Marketing, Inc.
18	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	http://morningspirit10.homestead.com/05DECie4.html	Homestead Technologies
19	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.birthesgraphics.homestead.com/Angels3ie4.html	Homestead Technologies
20	Morning Angel	TXu-1-059-414	register.com	www.smiles2send.com/in_aotm0302.asp	Emusing Humor Network
21	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.unsolvedcysteries.com/usm238383.html	North Ridge Software
22	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.funtown.com/24janinsp2/24janinsp2.cfm	euniverse, inc.
23	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.lillyofthevalleyva.com/iesuslovesyou-angeis6.html	Lilly of the Valley
24	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.marpers.com/angel of the morning.htm	Marlin Parbs
25	Morning Angel	TXu-1-059-414	Network Solutions, Inc.	www.feelgoodpages.com/MorningAngel/	Viral Marketing, Inc.
26	Morning Angel	TXu-1-059-414	Bulk Register (SM)	http://garden.thefairkingdom.com/gardenoffriendship/angelgifts/whispering2.html	Kathleen Ward
27	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.bigfatbaby.com/newfun2/angel/moangel.cfm	euniverse, inc.
28	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.quickinspirations.com/poems/morning_angel.asp	North Plains LLC
29	Morning Angel	TXu-1-059-414		www.mommasfamily.com/GOF Special Friend 2.html	Ashley Stoy
30	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.funforwards.com/poems_songs/february03/morning_angel.cfm	euniverse, inc.
31	Morning Angel	TXu-1-059-414	Go Daddy Software, Inc.	www.happyfeelings.com/pos/angel of the morning.htm	Phong Bui
32	Morning Angel	TXu-1-059-414		www.kim-arts.com/postcard/angel of the morning.htm	Phong Bui
33	Morning Angel	TXu-1-059-414	Alldomains.com, Inc.	www.funbug.com/poems_songs/february03/morning_angel.cfm	euniverse, inc.
34	Walks of Life	TXu-1-059-414	Alldomains.com, Inc.	www.debsfunpages.com/friend120.htm	euniverse, inc.
35	Bless My Computer	TXu-1-059-414	Alldomains.com, Inc.	www.funtown.com/4octfun/4octfun.cfm	euniverse, inc.
36	Head in the Clouds	TXu-1-059-414	Network Solutions, Inc.	http://lix.1sound.com/headintheclouds	Michael Danke
37	Still Hugging My Pillow	TXu-1-059-414	Network Solutions, Inc.	www.webspawner.com/users/allforlove	Instant Webspawner, Ltd.

EXHIBIT B

A	B	C	D	E
1		"EXHIBIT B"	INFRINGING WEBSITES: WORKS OF LAURA SHOAF-STRICKLAND	
2				
3		Registrar	Infringing Website	Registrant
4	License No.			
5	TX-5-615-979	Aldomains.com, Inc.	www.funtown.com/18skey/18skey.cfm	universe, Inc.
6	TX-5-615-979	Aldomains.com, Inc.	www.funstown.com/categories/friendship/friendship-key/index.cfm	universe, Inc.
7	TX-5-615-979	Aldomains.com, Inc.	www.blessthe.com/categories/relationships/relationships-key-to-friendship/index.cfm	universe, Inc.
8	TX-5-615-979	Aldomains.com, Inc.	www.bigfatbaby.com/newfun2/friendship/relationships.cfm	universe, Inc.
9	TX-5-615-979	Aldomains.com, Inc.	www.funforward.com/poems/relationships/songs/may02/friendship_key.cfm	universe, Inc.
10	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/heart/heart.cfm	Funny Taf, Inc.
11	TX-5-615-979	Aldomains.com, Inc.	www.justsaywow.com/newfun4/peaceheart.cfm	universe, Inc.
12	TX-5-615-979	Aldomains.com, Inc.	www.pigkiss.com/lovepages/200110/pieceofmyheart.cfm	universe, Inc.
13	TX-5-615-979	Aldomains.com, Inc.	www.cardfountain.com/friends/may08/index.php	universe, Inc.
14	TX-5-615-979	Bulk Register, Com, Inc.	www.cardfountain.com/friends/view_page.php?id=10008&src=1	Funny Taf, Inc.
15	TX-5-615-979	registrar.com	www.fun-town.com/friends/relationships/box-of-hugs/index.cfm	Hycoco, Inc. (Clinton Caldwell)
16	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/friends/relationships/box-of-hugs/index.cfm	universe, Inc.
17	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
18	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
19	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
20	TX-5-615-979	Bulk Register, Com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
21	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
22	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
23	TX-5-615-979	Enom, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
24	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
25	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
26	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
27	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
28	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
29	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
30	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
31	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
32	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
33	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
34	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
35	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
36	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
37	TX-5-615-979	registrar.com	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
38	TX-5-615-979	Bulk Register, Com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
39	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
40	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
41	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
42	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
43	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
44	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
45	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
46	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
47	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
48	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
49	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
50	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
51	TX-5-615-979	registrar.com	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
52	TX-5-615-979	Tucows, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
53	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
54	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
55	TX-5-615-979	registrar.com	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
56	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
57	TX-5-615-979	Network Solutions, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
58	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
59	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
60	TX-5-615-979	Aldomains.com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.
61	TX-5-615-979	Bulk Register, Com, Inc.	www.fun-town.com/boxofhugs/boxofhugs.cfm	universe, Inc.

EXHIBIT C

A	B	C	D	E
1		"EXHIBIT C" -	INFRINGING WEBSITES: WORKS OF KATHY HOLLIS-COOPER	
2				
3	Title of Work	License No.	Infringing Website	Registrant
4				
5	Cat in a Santa Suit	VA-986-865	http://www.lotsahumor.com/print.php?id=302&sort=&cat=18	Rick Hill
6	Cat in a Santa Suit	VA-986-865	http://www.makesmesmile.com/fun/xmas_cat/index.php	Funny Taf, Inc.
7	Cat in a Santa Suit	VA-986-865	http://www.fungoround.com/funpages/xmaskitten/index.php	Funny Taf, Inc.
8	Cat in a Santa Suit	VA-986-865	http://www.newfunnies.com/fun/xmascat/index.php	Funny Taf, Inc.
9	Cat in a Santa Suit	VA-986-865	http://www.joypages.com/humor/xmascat/index.php	Funny Taf, Inc.
10	Cat in a Santa Suit	VA-986-865	http://www.sendapet.net/fun/santakitten/index.php	Funny Taf, Inc.
11	Cat in a Santa Suit	VA-986-865	http://www.dudewheresmycard.com/jokep.asp?ID=210&cat=Animals&rate=3.9	A Plus Enterprises
12	Cat in a Santa Suit	VA-986-865	http://www.wackyzoo.com/p0428.shtml	Richardson Marketing Group

EXHIBIT D

A	B	C	D	E
1		"EXHIBIT D" -	INFRINGING WEBSITES: WORKS OF DAN REYNOLDS	
2				
3	Title of Work	Registrar	Infringing Website	Registrant
4				
5	Belt Height	Network Solutions, Inc.	www.jokesintheemail.com/14-pix14-7.htm	Lawrence Fine
6	Belt Height	Enom, Inc.	http://keystonecop.net/01/how aging affects belt height.htm	John Nelson
7	Belt Height		http://humorgal.www9.50megs.com/cgi-bin/i/images/fun/fun_drawings1/beltheight.jpg	About, Inc.
8	Belt Height	Tucows, Inc.	www.comic-comics.com/how aging affects belt height.html	Jonnie Truong
9	Belt Height	Tucows, Inc.	www.funny-celebrity-pics.com/how aging affects belt height.html	Jonnie Truong
10	Belt Height	Tucows, Inc.	www.funny-photo-photos.com/how aging affects belt height.html	Jonnie Truong
11	Belt Height	Tucows, Inc.	www.joke-pictures.com/how aging affects belt height.html	Jonnie Truong

EXHIBIT E

A	B	C	D	E
1			INFRINGING WEBSITES: WORKS OF ERIC DECETIS	
2				
3			Infringing Website	Registrar
4				
5	VA-725-006	Alldomains.com, Inc.	www.funforwards.com/pictures/september01/lostpuppy.cfm	Universe (Server Only)
6	VA-725-006	Intercoms Media Group, Inc. dba Directnic.com	www.insanepictures.com/pic.shtml?02244.jpg	Adam Maysonet
7	VA-725-006	Enom, Inc.	www.funypicoftheday.com/p062.shtml	Richardson Marketing Group
8	VA-725-006	Alldomains.com, Inc.	www.debsfunpades.com/funpic164.htm	Universe (Server Only)
9	VA-725-006	Dotster, Inc.	www.poddys.com/jokes/cart_160.htm	Poddys
10	VA-725-006	Network Solutions, Inc.	www.sugarcats.com/joke_archive/jokes/lost_puppy.htm	Michael Knox
11	VA-725-006	Register.com	www.funblaze.com/media/lostpup/lostpup.shtml	Fun Blaze
12	VA-725-006	Names Direct	www.weaselcircus.com/funnypics/56.shtml	Jason Quam
13	VA-725-006	Network Solutions, Inc.	http://speeds-cartoons.com/archives/toons02/showpicture.html?image=puppy.jpg	Bruce Maston
14	VA-725-006	Tucows, Inc.	www.cartoons-cartoon.com/lost_puppy.html	Jonnie Truong
15	VA-725-006	Tucows, Inc.	www.spicyjoke.com/lost_puppy.html	Jonnie Truong
16	VA-725-006	Tucows, Inc.	www.joke-pictures.com/lost_puppy.html	Jonnie Truong
17	VA-725-006	Tucows, Inc.	www.spicypictures.com/lost_puppy.html	Jonnie Truong
18	VA-725-006	R & K, Inc./000Domains.com	www.amusingpics.com/viewimage.php?id=103&file=dogcrack.gif	FKLA, Inc.
19	VA-725-006	Intercoms Media Group, Inc. dba Directnic.com	www.drunkbastard.net/cartoons/lostpuppy.jpg	The International Association
20	VA-725-006	Enom, Inc.	www.jokesunlimited.com/joke.php?jokeid=147	Paul Thomas
21	VA-725-006	Enom, Inc.	www.amazinghumor.com/pics.shtml?0010.jpg	Kevin Nguyen
22	VA-725-006	Alldomains.com, Inc.	www.bigfatbaby.com/newfun/lostpuppy.html	Universe (Server Only)
23	VA-725-006	Tucows, Inc.	www.funny-animal.com/lost_puppy.html	Jonnie Truong
24	VAU-381-119	Intercoms Media Group, Inc. dba Directnic.com	www.insanepictures.com/pic.shtml?0191.jpg	Adam Maysonet
25	VAU-381-119	Go Daddy Software, Inc.	www.veryfunnypics.com/holidays/imagepages/picture24.htm	Tommy Wiles
26	VAU-381-119	Names Direct	www.weaselcircus.com/funnypics/94.shtml	Jason Quam
27	VAU-381-119	Bulk Register.com, Inc.	www.makesmesmile.com/fun/missingelf/index.php	FunnyTaf, Inc.
28	VAU-381-119	Enom, Inc.	www.wackyzoo.com/p0421.shtml	Richardson Marketing Group
29	VAU-381-119	Network Solutions, Inc.	http://speeds-cartoons.com/archives/toons02/showpicture.html?image=missingelf.jpg	Bruce Maston
30	VAU-381-119	Enom, Inc.	http://keystone.cop.net/00/missing_elf_cartoon.htm	John Nelson
31	VAU-381-119	Tucows, Inc.	www.funnyjunk.com/p/0191.jpg	FunnyJunk, Inc.
32	VA-736-265	Network Solutions, Inc.	http://speeds-cartoons.com/archives/toons01/showpicture.html?image=s30.jpg	Bruce Maston
33	VAU-403-449	Network Solutions, Inc.	http://speeds-cartoons.com/archives/toons06/showpicture.html?image=cupid.jpg	Bruce Maston
34	VAU-381-118	Network Solutions, Inc.	http://speeds-cartoons.com/archives/toons08/showpicture.html?image=first-dog-whistle.jpg	Bruce Maston